

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JAMES H. STREET, JR.,

Plaintiff,

Case No. 2:07-cv-130

v

Hon. Wendell A. Miles

NEWBERRY CORRECTIONAL FACILITY  
WARDEN BARRY DAVIS,  
SGT. PRICE, SGT. DAVIS,  
OFFICER MERCHNSICK, and  
“ET. AL.”

Defendants.

\_\_\_\_\_ /

ORDER ON MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

James H. Street, Jr., a Michigan prisoner currently confined at the Hiawatha Correctional Facility, has filed an amended complaint in this case asserting claims under 42 U.S.C. § 1983 and state law. On September 3, 2008, United States Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R & R”) recommending the denial of two motions filed by plaintiff: (1) his motion for partial summary judgment (docket no. 13), and (2) his motion for a temporary restraining order and preliminary injunction (docket no. 39). Plaintiff has filed a written response indicating that he does not object to the R & R. The court therefore adopts the R & R, and accordingly,

IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for partial summary judgment is DENIED.
2. Plaintiff's motion for temporary restraining order and preliminary injunction is DENIED.

So ordered this 19th day of September, 2008.

/s/ Wendell A. Miles  
Wendell A. Miles, Senior Judge